

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF BAKER

EDWARD AND PATRICIA ELMS,
TRUSTEES OF THE ELMS FAMILY
TRUST,

Plaintiffs,

vs.

ALLEN HAMILTON and LOIS
HAMILTON, husband and wife,
Defendants,

vs.

AMERICAN GENERAL FINANCE, INC.
a Washington corporation,

Co-Defendant.

Case No. 06-529

AFFIDAVIT OF STEPHEN THUN
IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

STATE OF OREGON)
) ss.
County of Washington)

I, Stephen Thun, being first duly sworn, depose and say as follows:

1. I am employed as the Laboratory Director of Pacific Agricultural Laboratory (the "lab"). The lab is an analytical lab with a specialty in the analysis of pesticides residues. The lab is a member of the Association of Official Analytical

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Page 1 – AFFIDAVIT OF STEPHEN THUN IN SUPPORT OF MOTION FOR
SUMMARY JUDGMENT

COUGHLIN,
LEUENBERGER
& MOON
P.C.
LAWYERS

Old Post Office Square
Post Office Box 1026
Baker City, OR 97814
(541) 523-6535
FAX (541) 523-6530
office@cmllaw.net

PL 475

1 Chemists (AOAC). In addition, the lab is accredited through the State of Washington
2 Department of Ecology for the analysis of pesticides in soil and water.

3 2. On January 11, 2007, the lab received by first class mail a sealed soil
4 sample collected and sent to the lab by Arnie Grammon. The lab conducted an
5 analysis of this sample to test for the presence of 2-4-D and other chemicals. I
6 documented the findings in a written report, a true copy of which is attached hereto as
7 Exhibit 1.

8 3. The analysis did not reveal the presence of any 2-4-D, or any other
9 chemical listed in the analytical report.

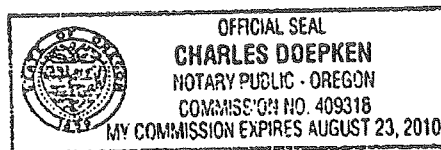
10 4. I make this affidavit from personal knowledge and I am competent to
11 testify to the matters stated herein.

12 DATED: April 30, 2007.

13 
14 Stephen Thun
15 Director, Pacific Agricultural Laboratory

16 SUBSCRIBED and SWORN to before me this 30th day of April, 2007.

17 
18 Notary Public for Oregon

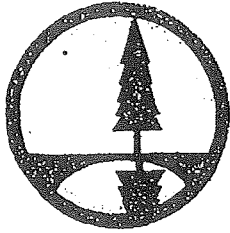


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January 29, 2007
Couglin, Levenburger & Moon, PC
P.O. Box 1022
Baker City, OR 97814

Report Number: 07011
Client Job Number: none given
Sample Matrix: soil
Number of Samples: 1

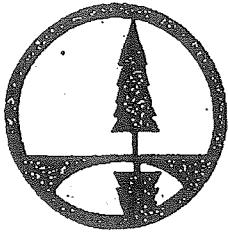
Analytical Report

Ext. Date	Analysis Date	Sample ID	Analyte	Amount Detected	Method Reporting Limit
1/17/07	1/26/07	Soil sample	p,p'-DDT	0.0090 mg/kg	0.0067 mg/kg (ppm)
1/17/07	1/26/07		Other MR pesticides	Not detected	see analyte list
1/23/07	1/24/07	Soil sample	2,4-D	Not detected	0.017 mg/kg (ppm)
			2,4-DB	Not detected	0.017 mg/kg (ppm)
Surrogate Recovery	43*		2,4,5-T	Not detected	0.0067 mg/kg (ppm)
Surr. Recovery Range	73-114%		2,4,5-TP	Not detected	0.0067 mg/kg (ppm)
			Bentazon	Not detected	0.017 mg/kg (ppm)
			Clopyralid	Not detected	0.0067 mg/kg (ppm)
			DCPA	Not detected	0.017 mg/kg (ppm)
			Dicamba	Not detected	0.0067 mg/kg (ppm)
			Dichlorprop	Not detected	0.017 mg/kg (ppm)
			Dinoseb	Not detected	0.017 mg/kg (ppm)
			MCPA	Not detected	1.7 mg/kg (ppm)
			MCPP	Not detected	1.7 mg/kg (ppm)
			Pentachlorophenol	Not detected	0.0067 mg/kg (ppm)
			Picloram	Not detected	0.017 mg/kg (ppm)
			Triclopyr	Not detected	0.0067 mg/kg (ppm)

* surrogate recovery is below the lower control limit

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Quality Assurance Report

Ext. Date	Analysis Date	Batch QC Sample #	Analyte	% Recovery	Expected % Recovery
Method Blank Data, Soil					
1/17/07	1/26/07	07011 MB	Pesticides screen	Not detected	< reporting limits
1/23/07	1/24/07	07011 MB	Acid herbicides	Not detected	< reporting limits

Matrix Spike Data, Soil

1/17/07	1/24/07	0701101 MS	Coumaphos	94	69-140
1/17/07	1/24/07		Disulfoton	62	0-194
1/17/07	1/19/07		g-BHC	54*	60-148
1/17/07	1/19/07		Oxadiazon	42*	66-143
1/17/07	1/26/07		Atrazine	154**	62-134
1/17/07	1/19/07		Carbofuran	82	40-133
1/17/07	1/19/07		Diuron	93	34-127

* spike recovery was below the lower control limit

** spike recovery was above the upper control limit

1/17/07	1/24/07	0701101 MSD	Coumaphos	91	69-140
1/17/07	1/24/07		Disulfoton	60	0-194
1/17/07	1/19/07		g-BHC	116	60-148
1/17/07	1/19/07		Oxadiazon	103	66-143
1/17/07	1/26/07		Atrazine	146**	62-134
1/17/07	1/19/07		Carbofuran	79	40-133
1/17/07	1/19/07		Diuron	68	34-127

** spike recovery was above the upper control limit

1/23/07	1/24/07	0701101 MS	2,4-D	96	31-186
			Dicamba	63	43-130
1/23/07	1/24/07	0701101 MSD	2,4-D	109	31-186
			Dicamba	63	43-130

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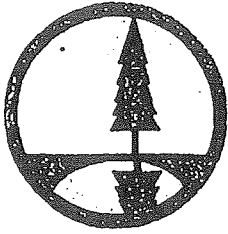
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Additional Project Information


Methodology Employed

Multiresidue Pesticides Profile in Soil
Chlorinated Herbicides in Soil

Soxhlet extraction, multidetector analysis
EPA Method 8151A (GC-ECD, GC-MS)

Additional Project Notes

1. DDT residues were confirmed using second column gas chromatography.
2. The chlorinated acids were converted to their free acid forms. These residues were then quantitated as free acids.



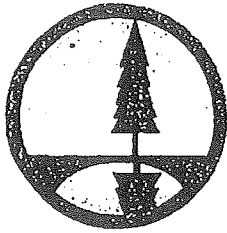
Stephen Thun
Laboratory Director

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Multiresidue Screen Analyte List and Reporting Limits

Analyte	Reporting limit
Organophosphorous and Organosulfur Pesticides	
Aspon	0.017 mg/kg (ppm)
Azinphos-methyl	0.017 mg/kg (ppm)
Bolstar (Sulprofos)	0.017 mg/kg (ppm)
Carbofenthion	0.017 mg/kg (ppm)
Chlorfenvinphos	0.017 mg/kg (ppm)
Chlorpyrifos (Lorsban)	0.017 mg/kg (ppm)
Chlorpyrifos-methyl (Reldan)	0.017 mg/kg (ppm)
Coumaphos	0.017 mg/kg (ppm)
Demeton-O	0.017 mg/kg (ppm)
Demeton-S (Metasystox)	0.017 mg/kg (ppm)
Diazinon	0.017 mg/kg (ppm)
Dichlorfenthion	0.017 mg/kg (ppm)
Dichlorvos (DDVP)	0.017 mg/kg (ppm)
Dicrotophos	0.017 mg/kg (ppm)
Dimethoate	0.017 mg/kg (ppm)
Disulfoton	0.017 mg/kg (ppm)
EPN	0.017 mg/kg (ppm)
Ethion	0.017 mg/kg (ppm)
Ethoprop (Mocap)	0.017 mg/kg (ppm)
Famphur	0.017 mg/kg (ppm)
Fenitrothion	0.017 mg/kg (ppm)
Fensulfothion	0.017 mg/kg (ppm)
Fenthion	0.017 mg/kg (ppm)
Malathion	0.017 mg/kg (ppm)
Methidathion	0.017 mg/kg (ppm)
Mevinphos	0.017 mg/kg (ppm)
Monocrotophos	0.017 mg/kg (ppm)
Parathion	0.017 mg/kg (ppm)
Parathion-methyl	0.017 mg/kg (ppm)
Pirimiphos-methyl	0.017 mg/kg (ppm)
Phorate	0.017 mg/kg (ppm)
Phosphamidon	0.017 mg/kg (ppm)
Phosmet (Imidan)	0.017 mg/kg (ppm)
Propargite (Omite)	0.033 mg/kg (ppm)
Tetrachlorvinphos	0.017 mg/kg (ppm)
Terbufos	0.017 mg/kg (ppm)

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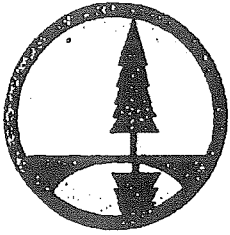
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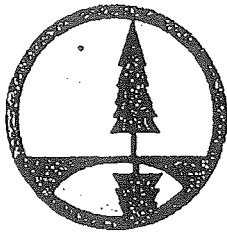


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Analyte	Reporting limit
Halogenated Pesticides	
Acetachlor	0.033 mg/kg (ppm)
Alachlor	0.0067 mg/kg (ppm)
Aldrin	0.0067 mg/kg (ppm)
Benfluralin (Balan)	0.0067 mg/kg (ppm)
α -BHC	0.0067 mg/kg (ppm)
β -BHC	0.0067 mg/kg (ppm)
δ -BHC	0.0067 mg/kg (ppm)
γ -BHC (Lindane)	0.0067 mg/kg (ppm)
Captafol	0.0067 mg/kg (ppm)
Captan	0.033 mg/kg (ppm)
Chlordane	0.084 mg/kg (ppm)
Chloroneb (Terraneb)	0.017 mg/kg (ppm)
Chlorobenzilate	0.017 mg/kg (ppm)
Chlorothalonil (Bravo)	0.0067 mg/kg (ppm)
Cyfluthrin	0.033 mg/kg (ppm)
Cyhalothrin	0.033 mg/kg (ppm)
Cypermethrin	0.033 mg/kg (ppm)
Dacthal	0.0067 mg/kg (ppm)
p,p'-DDD	0.0067 mg/kg (ppm)
p,p'-DDE	0.0067 mg/kg (ppm)
p,p'-DDT	0.0067 mg/kg (ppm)
Deltamethrin	0.033 mg/kg (ppm)
Dicloran (Botran)	0.0067 mg/kg (ppm)
Dichlobenil (Casoron)	0.0067 mg/kg (ppm)
Dieldrin	0.0067 mg/kg (ppm)
Endosulfan I(Thiodan)	0.0067 mg/kg (ppm)
Endosulfan II	0.0067 mg/kg (ppm)
Endosulfan sulfate	0.0067 mg/kg (ppm)
Endrin	0.0067 mg/kg (ppm)
Endrin aldehyde	0.0067 mg/kg (ppm)
Esfenvalerate (Asana)	0.0067 mg/kg (ppm)
Ethalfuralin (Sonalan)	0.0067 mg/kg (ppm)
Fenarimol (Rubigan)	0.0067 mg/kg (ppm)
Fenvalerate	0.0067 mg/kg (ppm)
Flutolanil	0.033 mg/kg (ppm)
Folpet	0.033 mg/kg (ppm)
Heptachlor	0.0067 mg/kg (ppm)
Heptachlor epoxide	0.0067 mg/kg (ppm)
Hexachlorobenzene (HCB)	0.0067 mg/kg (ppm)
Iprodione (Rovral)	0.0067 mg/kg (ppm)
Kelthane (Dicofol)	0.017 mg/kg (ppm)
Metolachlor (Dual)	0.017 mg/kg (ppm)
Methoxychlor	0.0067 mg/kg (ppm)
Mirex	0.0067 mg/kg (ppm)
Norflurazon (Solicam)	0.0067 mg/kg (ppm)

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Analyte	Reporting limit
Ovex	0.0067 mg/kg (ppm)
Oxadiazon (Ronstar)	0.0067 mg/kg (ppm)
Oxyflorfen (Goal)	0.0067 mg/kg (ppm)
PCA	0.0067 mg/kg (ppm)
PCNB	0.0067 mg/kg (ppm)
Permethrin	0.033 mg/kg (ppm)
Prodiamine (Barricade)	0.0067 mg/kg (ppm)
Pronamide (Kerb)	0.0067 mg/kg (ppm)
Propachlor	0.033 mg/kg (ppm)
Propanil	0.0067 mg/kg (ppm)
Propiconazole	0.017 mg/kg (ppm)
Pyrethrins	0.033 mg/kg (ppm)
Terbacil	0.0067 mg/kg (ppm)
Trifloxystrobin	0.0067 mg/kg (ppm)
Triflumazole	0.0067 mg/kg (ppm)
Trifluralin	0.0067 mg/kg (ppm)
Vinclozalin	0.0067 mg/kg (ppm)
Organonitrogen Pesticides	
Ametryn	0.017 mg/kg (ppm)
Anilazine	0.017 mg/kg (ppm)
Atrazine	0.017 mg/kg (ppm)
Azoxystrobin	0.017 mg/kg (ppm)
Bensulide	0.017 mg/kg (ppm)
Bromacil	0.017 mg/kg (ppm)
Bromopropylate	0.033 mg/kg (ppm)
Carfentrazone-ethyl	0.017 mg/kg (ppm)
Cyanazine (Bladex)	0.033 mg/kg (ppm)
Diclofop-methyl	0.033 mg/kg (ppm)
Dimethenamid	0.017 mg/kg (ppm)
Diphenylamine	0.017 mg/kg (ppm)
Ethofumesate	0.017 mg/kg (ppm)
Fenoxaprop-ethyl	0.033 mg/kg (ppm)
Fenbuconazole	0.033 mg/kg (ppm)
Fipronil	0.033 mg/kg (ppm)
Fluazifop-p-butyl	0.033 mg/kg (ppm)
Fludioxanil	0.017 mg/kg (ppm)
Flumioxazin	0.017 mg/kg (ppm)
Fluometuron	0.017 mg/kg (ppm)
Fluroxypyr-meptyl (Starane)	0.033 mg/kg (ppm)
Hexazinone	0.017 mg/kg (ppm)
Imidacloprid	0.017 mg/kg (ppm)
Isoxaben	0.017 mg/kg (ppm)
Mefenoxam	0.017 mg/kg (ppm)

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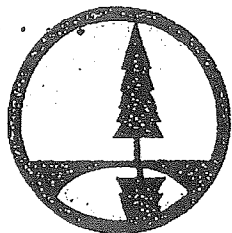
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Analyte	Reporting limit
Metalaxyl	0.017 mg/kg (ppm)
Metribuzin (Sencor)	0.033 mg/kg (ppm)
Myclobutanil (Rally)	0.033 mg/kg (ppm)
Napropamid (Devrinol)	0.033 mg/kg (ppm)
Oryzalin (Surflan)	0.017 mg/kg (ppm)
Pendimethalin (Prowl)	0.017 mg/kg (ppm)
Pirimicarb	0.017 mg/kg (ppm)
Prometon (Pramitol)	0.033 mg/kg (ppm)
Prometryn	0.017 mg/kg (ppm)
Propazine	0.017 mg/kg (ppm)
Pyraclostrobin	0.017 mg/kg (ppm)
Pyridaben	0.033 mg/kg (ppm)
Sethoxydim	0.17 mg/kg (ppm)
Simazine	0.033 mg/kg (ppm)
Simetryn	0.017 mg/kg (ppm)
Sulfentrazone	0.017 mg/kg (ppm)
Tebuconazole	0.033 mg/kg (ppm)
Tebuthiuron	0.033 mg/kg (ppm)
Thiabendazole	0.017 mg/kg (ppm)
Triadimefon	0.033 mg/kg (ppm)
Phenylurea Herbicides	
Chlorpropham	0.017 mg/kg (ppm)
Diuron	0.017 mg/kg (ppm)
DCPMU	0.017 mg/kg (ppm)
Fenuron	0.017 mg/kg (ppm)
Linuron	0.017 mg/kg (ppm)
Monuron	0.017 mg/kg (ppm)
Neburon	0.017 mg/kg (ppm)
Propham	0.017 mg/kg (ppm)
Siduron	0.017 mg/kg (ppm)
Carbamate Pesticides	
Aldicarb	0.017 mg/kg (ppm)
Aldicarb sulfone	0.017 mg/kg (ppm)
Aldicarb sulfoxide	0.017 mg/kg (ppm)
Bendiocarb	0.017 mg/kg (ppm)
Carbaryl	0.017 mg/kg (ppm)
Carbofuran	0.017 mg/kg (ppm)
Fenobucarb	0.017 mg/kg (ppm)
3-Hydroxycarbofuran	0.017 mg/kg (ppm)
Methiocarb	0.017 mg/kg (ppm)
Methomyl	0.017 mg/kg (ppm)
1-Naphthol	0.017 mg/kg (ppm)
Oxamyl	0.017 mg/kg (ppm)
Propoxur	0.017 mg/kg (ppm)
Thiobencarb	0.017 mg/kg (ppm)

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